

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
ASHU SHUKLA,

Plaintiff,

-v-

APPLE INC., et al.,

Defendants.
-----X

21-CV-3287 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On August 14, 2021, Plaintiff Ashu Shukla filed yet another letter, titled “Letter Motion to Reopen & Reconsider Judge Furman’s Denial of Plaintiff’s Motion as Frivolous,” ECF No. 34, which the Court once again construes to be a motion for reconsideration — this time, of both the denial of his motion to disqualify Magistrate Judge Aaron and the denial of his two later motions for reconsideration of the same. *See Shukla v. Apple Inc.*, No. 21-CV-3287 (JMF), 2021 U.S. Dist. LEXIS 115216, at *1-2 (S.D.N.Y. June 21, 2021) (ECF No. 28) (denying motion to disqualify as “patently frivolous” because it was “based solely on Magistrate Judge Aaron’s rulings in *Shukla v. Deloitte Consulting LLP*, No. 19-CV-10578 (AJN) (SDA) (“*Shukla I*”)); ECF No. 31 (denying a motion to reconsider the Court’s denial of the motion to disqualify Magistrate Judge Aaron “as frivolous”); ECF No. 33 (denying “once again” Shukla’s motion to reconsider the Court’s denial of the motion to disqualify Magistrate Judge Aaron as frivolous).¹ Shukla’s motion to reconsider is once again DENIED as frivolous.

Shukla’s serial filing of frivolous motions — and even more frivolous motions for reconsideration — and his frequent use of impertinent and disrespectful language are of a piece with the conduct that led to the recent dismissal by the Honorable Alison J. Nathan of his related suit, *Shukla I*. *See* 19-CV-10578, ECF No. 323, at 5 (“[T]hroughout this litigation Plaintiff has refused to accept unfavorable rulings from the Court. Plaintiff has continually deemed each decision that does not go his way ‘biased,’ and responded with meritless motions for reconsideration, motions to ‘vacate,’ or motions to ‘reopen.’ Plaintiff has repeatedly flouted the Court’s orders and disobeyed its clear instructions Further, Plaintiff has continued to display caustic behavior unfit for litigants before this Court. This has included leveling insults and outlandish accusations against the Court, opposing counsel, and other individuals involved in this litigation.” (citations omitted)). Given the relationship between this case and *Shukla I*, the

¹ On August 20, 2021, Shukla filed yet another letter. Although this letter was purportedly to inform the Court that he did not require filed documents to be mailed to him, he also repeated the allegations in his earlier letter and stated erroneously that his motion to disqualify Magistrate Judge Aaron was still pending before the Court. *See* ECF No. 35.


Court will consider the record in that case when deciding how to address further misconduct in this case.² Put differently, Shukla will not be afforded in this litigation as many chances to conform his conduct to appropriate standards as he would have been had this case been filed in a vacuum. Instead, considering the record in *Shukla I* and the record in this case together, the Court will not hesitate to dismiss the case if Shukla files any more frivolous motions to disqualify Magistrate Judge Aaron or motions for reconsideration of the Court's earlier denial of such a motion; nor will the Court hesitate to dismiss the case if Shukla fails to comply with the Court's Orders. For avoidance of doubt: Shukla may not file any further motions for reconsideration of the Court's denial of the motion to disqualify Magistrate Judge Aaron.

More broadly, the Court cautions Shukla — just as Judge Nathan did in her recent opinion, *see id.* at 9 — that further vexatious behavior may result not only in dismissal of this suit, but also in the imposition of a “litigation bar” that prohibits the filing of new lawsuits without prior leave of the Court. *See, e.g., Gertsakis v. New York Dep't of Health & Mental Hygiene*, No. 13-CV-2024 JMF, 2014 WL 2933149, at *6-7 (S.D.N.Y. June 27, 2014).

The Clerk of Court need not mail this Order to Shukla as he has confirmed that he has received electronic notice of filings and that “the court must refrain from sending paper mail to the plaintiff.” ECF No. 35, at 1-2.

SO ORDERED.

Dated: August 25, 2021
New York, New York



JESSE M. FURMAN
United States District Judge

² Considering the two cases together is appropriate because, but for the fact that Judge Nathan could not preside over this case (for reasons specific to this case), this case would almost certainly have been assigned to her, consolidated with the other case, and dismissed along with the other case; Shukla should not be permitted to waste many more judicial resources merely because this case could not be consolidated with the one pending before Judge Nathan.